



**FEDERAL COMMUNICATIONS COMMISSION
ENFORCEMENT BUREAU
REGION TWO**

Atlanta Regional Office
3600 Hiram Lithia Springs Rd SW
Powder Springs, GA 30127

November 6, 2017

SH&S Properties LLP
Attn: James Seitz
West Palm Beach, Florida

NOTICE OF UNLICENSED OPERATION

Case Number: EB-FIELDSCR-17-00025229

On July 17, August 28, and October 4, 2017, Agents from the Miami Office (Miami Office) of the Federal Communications Commission's (FCC's or Commission's) Enforcement Bureau (Bureau) confirmed by direction finding techniques that radio signals on frequency 92.9 MHz were emanating from your property, a commercial unit located at 2722 Rockey Dr., West Palm Beach, FL 33409. According to county property records, this unit is a part of the parcel officially designated as 1614 Latham Rd., West Palm Beach, FL 33409 owned by SH&S Properties LLP. The Commission's records show that no license was issued for operation of a broadcast station on 92.9 MHz at this location in West Palm Beach, Florida. Commission records also show that in 2013, the Miami Office warned you, verbally and in writing,¹ that an unlicensed radio station was operating from the same unit on your property. On August 28, 2017, you acknowledged receipt of this letter when Miami Agents interviewed you, and the Agents again verbally warned you about the unauthorized radio station located at your property.

Radio stations operating on a range of frequencies,² including 92.9 MHz, must be licensed by the FCC pursuant to Section 301 of the Communications Act of 1934, as amended (Act).³ The only exception to this licensing requirement is for certain transmitters using or operating at a power level that complies with the standards established in Part 15 of the Commission's rules.⁴ On July 17 and August 28, 2017, Agents made field strength measurements of the signal on frequency 92.9 MHz, which exceeded the maximum permitted level of 250 microvolts per meter ($\mu\text{V}/\text{m}$) at 3 meters for non-licensed devices. Thus, this station is operating in violation of Section 301 of the Act.⁵

¹ *SH&S Properties LLP*, Warning of Unlicensed Operation (EB Nov. 8, 2013) (on file in EB-FIELDSCR-13-00011944).

² 47 CFR § 73.201.

³ 47 U.S.C. § 301.

⁴ 47 CFR §§ 15.1 *et seq.*

⁵ 47 U.S.C. § 301.

You are hereby warned that operation of radio transmitting equipment without a valid radio station authorization constitutes a violation of the Federal laws cited above and could subject the operator to severe penalties, including, but not limited to, substantial monetary fines, *in rem* seizure of the offending radio equipment, and criminal sanctions including imprisonment.⁶

UNLICENSED OPERATION OF THIS RADIO STATION MUST BE DISCONTINUED IMMEDIATELY AND MUST NOT RESUME.

You have ten (10) days from the date of this notice to respond with any evidence that you have authority to operate granted by the Commission. Your response should be sent to the address in the letterhead and reference the listed case number. Under the Privacy Act of 1974,⁷ we are informing you that the Commission's staff will use all relevant material information before it to determine what, if any, enforcement action is required to ensure your compliance with the Commission's rules. This will include any information that you disclose in your reply.

You may contact this office if you have any questions.

Ronald D. Ramage
Regional Director
Region Two
Enforcement Bureau
Federal Communications Commission

Attachments:

Excerpts from the Communications Act of 1934, As Amended
Enforcement Bureau, "Inspection Fact Sheet," March 2005

⁶ See 47 U.S.C. §§ 401, 501, 503 and 510.

⁷ 5 U.S.C. § 552a(e)(3).